

tion and section 308g of this title] shall take effect on October 1, 1985.”

EFFECTIVE DATE

Section effective Oct. 1, 1983, see section 1011(c) of Pub. L. 98-94, set out as a note under section 308g of this title.

REGULATIONS

Pub. L. 107-107, div. A, title VI, §619(c), Dec. 28, 2001, 115 Stat. 1138, provided that: “Not later than 180 days after the date of the enactment of this Act [Dec. 28, 2001], the Secretaries of the military departments shall prescribe such regulations as may be necessary for administering subsection (a) of section 308h of title 37, United States Code, as amended by this section.”

COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102-484, set out as a note under section 301b of this title.

INDIVIDUAL READY RESERVE REENLISTMENT BONUSES

Section 552(f)(1) of Pub. L. 98-525 provided that: “In order to encourage members of the Armed Forces whose military service obligation is expiring and who do not choose to reenlist or otherwise extend their service on active duty or in active elements of reserve components to remain in the Armed Forces as members of the Individual Ready Reserve, the Secretary of Defense shall consider making greater use of the authority provided under section 308h of title 37, United States Code, to pay bonuses to persons reenlisting for periods of not less than three years in the Individual Ready Reserve.”

COAST GUARD; RESERVE FORCES READINESS PROVISIONS INAPPLICABLE

Reserve Forces Readiness provisions, including amendment of subsec. (b) of this section by Pub. L. 98-525 and Individual Ready Reserve Reenlistment Bonuses note above, inapplicable to Coast Guard, see section 552(g) of Pub. L. 98-525, set out as a Reserve Forces Readiness note under section 12001 of Title 10, Armed Forces.

§ 308i. Special pay: prior service enlistment bonus

(a) **AUTHORITY AND ELIGIBILITY REQUIREMENTS.**—(1) A person who is a former enlisted member of an armed force who enlists in the Selected Reserve of the Ready Reserve of an armed force for a period of three or six years in a critical military skill designated for such a bonus by the Secretary concerned and who meets the requirements of paragraph (2) may be paid a bonus as prescribed in subsection (b).

(2) A bonus may only be paid under this section to a person who meets each of the following requirements:

(A) The person has completed a military service obligation, but has less than 14 years of total military service, and received an honorable discharge at the conclusion of that military service obligation.

(B) The person was not released, or is not being released, from active service for the purpose of enlistment in a reserve component.

(C) The person is projected to occupy, or is occupying, a position as a member of the Selected Reserve in a specialty in which the person—

(i) successfully served while a member on active duty and attained a level of qualification while on active duty commensurate with the grade and years of service of the member; or

(ii) has completed training or retraining in the specialty skill that is designated as critically short and attained a level of qualification in the specialty skill that is commensurate with the grade and years of service of the member.

(D) The person has not previously been paid a bonus (except under this section) for enlistment, reenlistment, or extension of enlistment in a reserve component.

(b) **BONUS AMOUNTS; PAYMENT.**—(1) The amount of a bonus under this section may not exceed—

(A) \$8,000, in the case of a person who enlists for a period of six years;

(B) \$4,000, in the case of a person who, having never received a bonus under this section, enlists for a period of three years; and

(C) \$3,500, in the case of a person who, having received a bonus under this section for a previous three-year enlistment, reenlists or extends the enlistment for an additional period of three years.

(2) Any bonus payable under this section shall be disbursed in one initial payment of an amount not to exceed one-half of the total amount of the bonus and subsequent periodic partial payments of the balance of the bonus. The Secretary concerned shall prescribe the amount of each partial payment and the schedule for making the partial payments.

(c) **CONDITION ON ELIGIBILITY; LIMITATION ON NUMBER OF BONUSES.**—(1) To be eligible for a second bonus under this section in the amount specified in subsection (b)(1)(C), a person must—

(A) enter into a reenlistment or extension of an enlistment for a period of three years not later than the date on which the enlistment for which the first bonus was paid would expire; and

(B) still satisfy the eligibility requirements under subsection (a).

(2) A person may not be paid more than one six-year bonus or two three-year bonuses under this section.

(d) **REPAYMENT OF BONUS.**—(1) A person who receives a bonus payment under this section and who fails during the period for which the bonus was paid to serve satisfactorily in the element of the Selected Reserve of the Ready Reserve with respect to which the bonus was paid shall refund to the United States an amount that bears the same relation to the amount of the bonus paid to such person as the period that such person failed to serve satisfactorily bears to the total period for which the bonus was paid.

(2) An obligation to reimburse the United States imposed under paragraph (1) is, for all purposes, a debt owed to the United States.

(3) Under regulations prescribed pursuant to subsection (e), the Secretary concerned may remit or cancel the whole or any part of an obligation to reimburse the United States imposed under paragraph (1).

(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment for which a bonus was paid under this section shall not discharge the person receiving such bonus payment from the debt arising under paragraph (1). This subsection¹ applies to any case commenced under title 11 after September 30, 1985.

(e) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(f) TERMINATION OF AUTHORITY.—No bonus may be paid under this section to any person for an enlistment after December 31, 2003.

(Added Pub. L. 99-145, title VI, § 644(a)(1), Nov. 8, 1985, 99 Stat. 652; amended Pub. L. 100-26, § 8(d)(4), Apr. 21, 1987, 101 Stat. 285; Pub. L. 100-180, div. A, title VI, § 626(b), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101-189, div. A, title VI, § 613, Nov. 29, 1989, 103 Stat. 1446; Pub. L. 102-25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title VI, § 612(d), title XI, § 1136, Oct. 23, 1992, 106 Stat. 2421, 2541; Pub. L. 103-160, div. A, title VI, § 612(e), Nov. 30, 1993, 107 Stat. 1680; Pub. L. 103-337, div. A, title VI, § 611(e), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104-106, div. A, title VI, § 611(e), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104-201, div. A, title VI, § 611(g), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105-85, div. A, title VI, §§ 611(g), 622, Nov. 18, 1997, 111 Stat. 1785, 1791; Pub. L. 105-261, div. A, title VI, § 611(g), Oct. 17, 1998, 112 Stat. 2038; Pub. L. 106-65, div. A, title VI, §§ 611(g), 623(a), Oct. 5, 1999, 113 Stat. 650, 653; Pub. L. 106-398, § 1 [div. A], title VI, § 621(g)], Oct. 30, 2000, 114 Stat. 1654, 1654A-151; Pub. L. 107-107, div. A, title VI, § 611(g), Dec. 28, 2001, 115 Stat. 1135; Pub. L. 107-296, title XVII, § 1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107-314, div. A, title VI, §§ 611(f), 617, Dec. 2, 2002, 116 Stat. 2567, 2570.)

AMENDMENTS

2002—Subsec. (b)(1). Pub. L. 107-314, § 617, substituted “\$8,000” for “\$5,000” in subpar. (A), “\$4,000” for “\$2,500” in subpar. (B), and “\$3,500” for “\$2,000” in subpar. (C).

Subsec. (e). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

Subsec. (f). Pub. L. 107-314, § 611(f), substituted “December 31, 2003” for “December 31, 2002”.

2001—Subsec. (f). Pub. L. 107-107 substituted “December 31, 2002” for “December 31, 2001”.

2000—Subsec. (f). Pub. L. 106-398 substituted “December 31, 2001” for “December 31, 2000”.

1999—Subsec. (a)(2). Pub. L. 106-65, § 623(a), added par. (2) and struck out former par. (2) which set forth requirements for payment of a bonus under this section.

Subsec. (f). Pub. L. 106-65, § 611(g), substituted “December 31, 2000” for “December 31, 1999”.

1998—Subsec. (f). Pub. L. 105-261 substituted “December 31, 1999” for “September 30, 1999”.

1997—Subsec. (a). Pub. L. 105-85, § 622(e)(1), inserted heading.

Subsec. (a)(2)(A). Pub. L. 105-85, § 622(a)(1), substituted “14 years” for “10 years”.

Subsec. (a)(2)(C). Pub. L. 105-85, § 622(a)(2), struck out “and” at end.

Subsec. (a)(2)(D). Pub. L. 105-85, § 622(a)(5), added subpar. (D). Former subpar. (D) redesignated (E).

Subsec. (a)(2)(E). Pub. L. 105-85, § 622(a)(3), (4), redesignated subpar. (D) as (E) and inserted “(except under this section)” after “bonus”.

Subsec. (b). Pub. L. 105-85, § 622(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The bonus to be paid under subsection (a) shall be—

“(1) an initial payment of—

“(A) an amount not to exceed \$1,250, in the case of a member who enlists for a period of three years; or

“(B) an amount not to exceed \$2,500, in the case of a member who enlists for a period of six years; and

“(2) a subsequent payment of an amount not to exceed \$416.66 upon the completion of each year of the period of such reenlistment or extension of enlistment during which such member has satisfactorily participated in unit training.”

Subsec. (c). Pub. L. 105-85, § 622(c), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “A member may not be paid more than one bonus under this section and may not be paid a bonus under this section unless the specialty associated with the position the member is projected to occupy is a specialty in which the member successfully served while on active duty and attained a level of qualification commensurate with the member’s grade and years of service.”

Subsec. (d). Pub. L. 105-85, § 622(d)(1), (e)(2)(A), inserted heading, designated existing provisions as par. (1), and redesignated subsecs. (e), (f), and (g) as pars. (2), (3), and (4), respectively, of subsec. (d).

Subsec. (d)(2). Pub. L. 105-85, § 622(e)(2)(B), substituted “paragraph (1)” for “subsection (d)”.

Subsec. (d)(3). Pub. L. 105-85, § 622(e)(2)(C), substituted “subsection (e)” for “subsection (h)” and “paragraph (1)” for “subsection (d)”.

Subsec. (d)(4). Pub. L. 105-85, § 622(e)(2)(B), substituted “paragraph (1)” for “subsection (d)”.

Subsec. (e). Pub. L. 105-85, § 622(e)(3), inserted heading.

Pub. L. 105-85, § 622(d)(2), redesignated subsec. (h) as (e). Former subsec. (e) redesignated subsec. (d)(2).

Subsec. (f). Pub. L. 105-85, § 622(e)(4), inserted heading.

Pub. L. 105-85, § 622(d)(2), redesignated subsec. (i) as (f). Former subsec. (f) redesignated subsec. (d)(3).

Pub. L. 105-85, § 611(g), amended subsec. (f), as redesignated by Pub. L. 105-85, § 622(d)(2), by substituting “September 30, 1999” for “September 30, 1998”.

Subsec. (g). Pub. L. 105-85, § 622(d)(2), redesignated subsec. (g) as subsec. (d)(4).

Subsecs. (h), (i). Pub. L. 105-85, § 622(d)(2), redesignated subsecs. (h) and (i) as (e) and (f), respectively.

1996—Subsec. (i). Pub. L. 104-201 substituted “September 30, 1998” for “September 30, 1997”.

Pub. L. 104-106 substituted “September 30, 1997” for “September 30, 1996”.

1994—Subsec. (i). Pub. L. 103-337 substituted “September 30, 1996” for “September 30, 1995”.

1993—Subsec. (i). Pub. L. 103-160 substituted “September 30, 1995” for “September 30, 1993”.

1992—Subsec. (c). Pub. L. 102-484, § 1136, inserted before period at end “and may not be paid a bonus under this section unless the specialty associated with the position the member is projected to occupy is a specialty in which the member successfully served while on active duty and attained a level of qualification commensurate with the member’s grade and years of service”.

Subsec. (i). Pub. L. 102-484, § 612(d), substituted “September 30, 1993” for “September 30, 1992”.

1991—Subsecs. (e) to (g). Pub. L. 102-25 struck out “of this section” wherever appearing.

1989—Subsec. (i). Pub. L. 101-189 substituted “September 30, 1992” for “September 30, 1990”.

1987—Subsec. (b)(1)(B). Pub. L. 100-26 inserted a comma after “\$2,500”.

Subsec. (i). Pub. L. 100-180 substituted “September 30, 1990” for “September 30, 1987”.

¹ So in original. Probably should be “paragraph”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title VI, § 623(b), Oct. 5, 1999, 113 Stat. 654, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1999, and shall apply to enlistments beginning on or after that date.”

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-160 effective as of Sept. 30, 1993, and applicable with respect to an enlistment, reenlistment, or extension of an enlistment described in this section or section 308b, 308c, or 308h of this title occurring on or after that date, see section 612(f) of Pub. L. 103-160, set out as a note under section 308b of this title.

EFFECTIVE DATE

Section 644(b) of Pub. L. 99-145 provided that: “The amendments made by subsection (a) [enacting this section] shall take effect on October 1, 1985.”

COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102-484, set out as a note under section 301b of this title.

§ 309. Special pay: enlistment bonus

(a) **BONUS AUTHORIZED; BONUS AMOUNT.**—A person who enlists in an armed force for a period of at least 2 years may be paid a bonus in an amount not to exceed \$20,000. The bonus may be paid in a single lump sum or in periodic installments.

(b) **REPAYMENT OF BONUS.**—(1) A member of the armed forces who voluntarily, or because of the member’s misconduct, does not complete the term of enlistment for which a bonus was paid under this section, or a member who is not technically qualified in the skill for which the bonus was paid, if any (other than a member who is not qualified because of injury, illness, or other impairment not the result of the member’s misconduct), shall refund to the United States that percentage of the bonus that the unexpired part of member’s enlistment is of the total enlistment period for which the bonus was paid.

(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an enlistment for which a bonus was paid under this section does not discharge the person receiving the bonus from the debt arising under paragraph (1).

(c) **RELATION TO PROHIBITION ON BOUNTIES.**—The enlistment bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10.

(d) **REGULATIONS.**—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary of Defense and

by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(e) **DURATION OF AUTHORITY.**—No bonus shall be paid under this section with respect to any enlistment in the armed forces made after December 31, 2003.

(Added Pub. L. 106-398, § 1 [[div. A], title VI, § 624(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-152; amended Pub. L. 107-107, div. A, title VI, § 614(c), Dec. 28, 2001, 115 Stat. 1136; Pub. L. 107-296, title XVII, § 1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107-314, div. A, title VI, § 614(c), Dec. 2, 2002, 116 Stat. 2568.)

PRIOR PROVISIONS

A prior section 309, Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 468, related to authority of Secretary concerned to provide for additional pay for performance of administrative functions by officers of the National Guard and reserve components, prior to repeal by Pub. L. 96-107, title IV, § 404(a)(1), (b), Nov. 9, 1979, 93 Stat. 808, 809, applicable only with respect to administrative functions performed after September 30, 1980.

AMENDMENTS

2002—Subsec. (d). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

Subsec. (e). Pub. L. 107-314 substituted “December 31, 2003” for “December 31, 2002”.

2001—Subsec. (e). Pub. L. 107-107 substituted “December 31, 2002” for “December 31, 2001”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE

Pub. L. 106-398, § 1 [[div. A], title VI, § 624(c)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-153, provided that: “The amendments made by subsection (a) [enacting this section] shall take effect on October 1, 2000, and apply with respect to enlistments in the Armed Forces made on or after that date.”

§ 310. Special pay: duty subject to hostile fire or imminent danger

(a) Under regulations prescribed by the Secretary of Defense, a member of a uniformed service may be paid special pay at the rate of \$150 for any month in which he was entitled to basic pay and in which he—

(1) was subject to hostile fire or explosion of hostile mines;

(2) was on duty in an area in which he was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period he was on duty in that area, other members of the uniformed services were subject to hostile fire or explosion of hostile mines;

(3) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

(4) was on duty in a foreign area in which he was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.